

DRAFT ACTION MINUTES

CITY OF WEST HOLLYWOOD COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR'S HEARING MEETING

Tuesday, November 14, 2023 --- Meeting Time 5:00 PM
West Hollywood City Hall, Community Conference Room
8300 Santa Monica Boulevard West Hollywood, CA 90069

THE CITY OF WEST HOLLYWOOD HAS ADOPTED SUMMARY AND ACTION MEETING MINUTES, WHICH PROVIDE A BRIEF SUMMARY OF THE ACTIONS TAKEN AND POINTS OF DISCUSSION ONLY. ADDITIONAL COMMENTS OR INDIVIDUAL DISCUSSIONS REGARDING ANY ITEM SUMMARIZED IN THESE MINUTES MAY BE OBTAINED BY ACCESSING THE ARCHIVED RECORDINGS OF THE HISTORIC PRESERVATION COMMISSION MEETINGS AT www.weho.org/city-government/city-clerk AND SELECTING ACCESS CITY RECORDS.

Land Acknowledgment: "The West Hollywood Planning Commission acknowledges that the land on which we gather and that is currently known as the City of West Hollywood is the occupied, unceded, seized territory of the Gabrieleño Tongva and Gabrieleño Kizh peoples."

1. CALL TO ORDER

Nicholas P. Maricich, Director, Community Development Department called the meeting to order at 5:03 p.m.

Staff Present: Jennifer Alkire, Current and Historic Planning Manager, Adrian Gallo, Associate Planner, Taylor Galindo, Current and Historic Planning Intern, and Dominic Gray, Acting Commission Secretary.

2. APPROVAL OF AGENDA

ACTION: 1) Approve agenda of Tuesday, November 14, 2023. **Moved and approved as presented by Nicholas P. Maricich, Director, Community Development Department**

3. APPROVAL OF MINUTES

A. April 11, 2023

ACTION: Approve the Community Development Director's Hearing regular meeting minutes of Tuesday, April 11, 2023. **Moved and approved as presented by Nicholas P. Maricich, Director, Community Development Department**

4. CONSENT CALENDAR: None

5. PUBLIC HEARINGS

A. 9045 NEMO STREET

Taylor Galindo, from the Current and Historic Preservation Planning provided a presentation, as presented in the staff report. She provided information on the property and the requested amendment to administrative permit. She detailed what the amendments were, along with the conditions of approval such as restrictions and failures to comply repercussions.

Nicholas P. Maricich, Director of Community Development Department, inquired about the service space area history.

Nicholas P. Maricich, Director, Community Development Department, disclosed for the record he had no discussions between staff, the applicant, or the public regarding this item.

Mark Lehmann, representing the applicant Madison Nemo LLC, presented the applicants report. He spoke and detailed the outdoor dining area and addressed concerns brought forward by the public. He clarified the plans and illuminated the dining experience.

Aitor Lozano Zabala, Chef and Owner of the restaurant Somni 2, continued the applicants report. He spoke and clarified the expected dining experience for the project.

Sean Finn, Architect, Finn Wijatno Architects, continued the applicants report. He spoke regarding the service yard and clarified the mitigation measures for noise and smell.

PUBLIC COMMENT:

MARCI MILLER, WEST HOLLYWOOD, has concerns regarding this item. She spoke on a meeting regarding the proposed project between herself, Ken Di Gregorio, Kate Bartolo, Mark Lehman, and Chef Aitor.

KATE BARTOLO, WEST HOLLYWOOD, has concerns regarding the proposed project. She stated she is withdrawing her request for a continuance, based on recent correspondence received from the applicant's representative and a revised draft resolution. She supports the amendments.

SAUL COOPERSTEIN, LOS ANGELES, spoke in support of staff's recommendation of approval.

KEN DI GREGORIO, WEST HOLLYWOOD, has concerns regarding the proposed project. He stated his concerns with the project and public notifications. He referenced meetings with the restaurant and eluded to possible appeals.

FRANCES DIAZ, WEST HOLLYWOOD, spoke in support of Kate Bartolo's statement.

KIM BROWN, WEST HOLLYWOOD, had concerns with the proposed project.

GENEVIEVE MORELL, PRESIDENT, CEO, West Hollywood Chamber of Commerce, spoke in support of staff's recommendation of approval.

Mark Lehmann, representing the applicant Madison Nemo LLC, presented the applicant's rebuttal. He spoke on mitigation measures and revisions and provisions the owner is willing to amend.

ACTION: Close the public comment portion of the public hearing for Item 4.A.

Nicholas P. Maricich, Director, Community Development Department requested clarifications regarding the proposed changes to the revised draft resolution and Condition 11.11.

Adrian Gallo, Associate Planner clarified the amendments and read into the record the following amendments to draft Resolution No. CD 23-278:

Add the following conditions:

Condition 2.3). The existing windows in the rear wall of the dining room of the premises shall be removed and covered using the same noise absorbent materials to be used as otherwise approved for the exterior and interior walls of the property. The construction drawings shall reflect the removal of certain skylights and incorporation of noise insulating materials in the new roofing, walls and interior improvements to the property.

Condition 3.5). The existing parking lot associated with the property at 9045 Nemo Street shall be operated by a licensed valet parking service. All valet staging and operations shall be conducted in accordance with the valet parking operations. The valet or parking attendant's stand for vehicle drop-off and pick-up shall be located in an area and in a manner approved by the Public Works Department.

Condition 3.6). The outdoor patio use shall be maintained in accordance with the approved site plan on file in the City Planning Division, which indicates total square footage, location and maximum seating and assembly capacity for the outdoor patio. Use of the outdoor patio will be restricted to patrons visiting the restaurant for dining. The operations of the restaurant, including the outdoor patio shall include incidental service of food and drinks upon patron's initial arrival before being escorted into the dining areas, patron's incidental use of the patio during the interior full dinner service and post-dinner, where patrons may move

to the patio for post-dinner incidental food/beverage service. The multi-course, multi-hour fine dining experience will take place solely in the indoor dining areas. Any material intensification of use or increase in occupancy or modification of the approved site plan for the outdoor patio shall require a duly noticed public hearing before the Director of Community Development.

Condition 3.7). The trash receptacles shall be located in a location such as to best prevent residential neighborhood impacts. Trash and recycling activities included, but not limited to, dumping bottles and glass containers in trash receptacles, shall not be conducted outdoors prior to 8:00 am or after 10:00 p.m. daily.

Amend the following condition:

Condition 3.3). This permit shall be reviewed by the Director of Community Development and the Code Compliance Division at three months ~~accompanied by a noise impact review~~ following the commencement of full operation to determine if the conditions of approval are adequate to prevent the business from becoming a nuisance to nearby residential properties. If modifications to the conditions of this permit are deemed necessary based on review of Code Compliance records and noise impact review to stem undue noise impacts, the matter will be reviewed by the Director at a duly noticed public hearing.

For elucidation purposes only, he read the following into the record:

Condition 3.4). If sound levels are observed and measured to violate the City's noise ordinance or to be otherwise plainly audible at the nearest residence, additional noise mitigation measures to the mutual satisfaction of the affected, abutting neighbor(s), restaurant operator and the Director of Community Development shall be instituted. Notwithstanding anything contained herein to the contrary, if the noise impacts are not able to be fully mitigated, the outdoor patio permitted hours as set forth in Condition 3.1 shall be reduced to 11:30 pm, with alcohol service to end at 11:00 pm, without the necessity of a duly noticed public hearing. The Director of Community Development reserves the right at a duly noticed public hearing to otherwise modify the conditions of approval to prevent the business from becoming a public nuisance to nearby residential properties.

Nicholas P. Maricich, Director, Community Development Department requested confirmation there is no activity in the space for the service yard. He requested an additional condition to mitigate any possibility of activity noise.

Sean Finn, Architect, Finn Wijatno Architects, addressed concerns for the service yard.

Jennifer Alkire, Current and Historic Preservation Planning Manager read into record the following added condition:

3.8) Area on the northeast portion of the site labeled "service yard" shall be for the placement of utilities only, no other activity is permitted in that area. Service of any utilities shall be conducted during daytime hours. If warranted, at the three-month review, sound dampening materials shall be required in this area to the satisfaction of the Director.

ACTION: 1) Approve staff's recommendation of approval; 2) **Adopt Resolution No. CD 23-278 as amended:** "A RESOLUTION OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE COMMUNITY DEVELOPMENT DEPARTMENT OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING AN AMENDMENT TO AN ADMINISTRATIVE PERMIT EXPANDING THE HOURS OF OPERATION FOR AN OUTDOOR DINING AREA AND THE SALES, SERVICE, AND CONSUMPTION OF ALCOHOL AT A NEW RESTAURANT, LOCATED AT 9045 NEMO STREET, WEST HOLLYWOOD, CALIFORNIA. (SOMNI 2)" a) add Condition 2.3. "The existing windows in the rear wall of the dining room of the premises shall be removed and covered using the same noise absorbent materials to be used as otherwise approved for the exterior and interior walls of the property. The construction drawings shall reflect the removal of certain skylights and incorporation of noise insulating materials in the new roofing, walls and interior improvements to the property."

b) add Condition 3.5. "The existing parking lot associated with the property at 9045 Nemo Street shall be operated by a licensed valet parking service. All valet staging and operations shall be conducted in accordance with the valet parking operations. The valet or parking attendant's stand for vehicle drop-off and pick-up shall be located in an area and in a manner approved by the Public Works Department."

c) add Condition 3.6. "The outdoor patio use shall be maintained in accordance with the approved site plan on file in the City Planning Division, which indicates total square footage, location and maximum seating and assembly capacity for the outdoor patio. Use of the outdoor patio will be restricted to patrons visiting the restaurant for dining. The operations of the restaurant, including the outdoor patio shall include incidental service of food and drinks upon patron's initial arrival before being escorted into the dining areas, patron's incidental use of the patio during the interior full dinner service and post-dinner, where patrons may move to the patio for post-dinner incidental food/beverage service. The multi-course, multi-hour fine dining experience will take place solely in the indoor dining areas. Any material intensification of use or increase in occupancy or modification of the approved site plan for the outdoor patio shall require a duly noticed public hearing before the Director of Community Development."

d) add Condition 3.7. "The trash receptacles shall be located in a location such as to best prevent residential neighborhood impacts. Trash and recycling activities included, but not limited to, dumping bottles and glass containers in trash receptacles, shall not be conducted outdoors prior to 8:00 am or after 10:00 p.m. daily."

e) amend Condition 3.3. This permit shall be reviewed by the Director of Community Development and the Code Compliance Division at three months ~~accompanied by a noise impact review~~ following the commencement of full operation to determine if the conditions of approval are adequate to prevent the business from becoming a nuisance to nearby residential properties. If modifications to the conditions of this permit are deemed necessary based on review of Code Compliance records and noise impact review to stem undue noise impacts, the matter will be reviewed by the Director at a duly noticed public hearing; and 3) Close the Public Hearing for Item 4.A. **Moved by Community Development Director Nicholas P. Maricich and carries as amended.**

Resolution No. CD 23-278 the Community Development Director just approved for the property located at **9045 Nemo Street** memorializes the Director's final action on this matter. This action is subject to appeal to the Planning Commission. Appeals must be submitted within ten calendar days from this date to the City Clerk's office. Appeals must be in writing and accompanied by the required fees. The City Clerk's office can provide appeal forms and information about waiver of fees. Deadline to file an Appeal on this decision is **Monday, November 27, 2023 at 5:00 p.m.**

6. **EXCLUDED CONSENT CALENDAR.** None.

7. **ADJOURNMENT:** *The Community Development Department Director adjourned to a regular meeting on **Tuesday, December 12, 2023 at 5:00 PM** at West Hollywood City Hall, Community Conference Room, 8300 Santa Monica Boulevard West Hollywood, California 90069.*

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APPROVED AND ADOPTED BY THE COMMUNITY DEVELOPMENT
DEPARTMENT DIRECTOR OF THE CITY OF WEST HOLLYWOOD ON THIS 7TH
DAY OF MAY, 2024.

DocuSigned by:

Nicholas P. Maricich

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NICHOLAS P. MARICICH, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

ATTEST:

DocuSigned by:

Dominic Gray

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DOMINIC GRAY, INTERIM ADMINISTRATIVE LIAISON
COMMUNITY DEVELOPMENT DEPARTMENT